

FIRE SERVICES

*Fire Officers and Firemen:
Pensions, p. 198*

*Part-time Fire Officers and
Firemen:
Pensions, p. 233*

FIRE OFFICERS AND FIREMEN: PENSIONS

ORDER, DATED 3RD DECEMBER, 1955, MADE BY THE MINISTRY OF HOME AFFAIRS UNDER SUB-SECTIONS (1) AND (3) OF SECTION TEN OF THE FIRE SERVICES (AMENDMENT) ACT (NORTHERN IRELAND), 1950, AND SECTIONS FORTY-TWO AND FORTY-FOUR OF THE RESERVE AND AUXILIARY FORCES (PROTECTION OF CIVIL INTERESTS) ACT, 1951.

1955. No. 181.

[C]

The Ministry of Home Affairs, by virtue and in exercise of the powers conferred upon it by sub-sections (1) and (3) of section ten of the Fire Services (Amendment) Act (Northern Ireland), 1950(a), and by sections forty-two and forty-four of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951(b), and of every other power thereunto enabling it, hereby makes the following Order, that is to say:—

1. The provisions of the Royal Ulster Constabulary Pensions Order, 1949(c), contained in the Schedule thereto, as amended by the Royal Ulster Constabulary Pensions (Amending) Order, 1950(d), by the Royal Ulster Constabulary Pensions (Amending) Order, 1952(e), by the Royal Ulster Constabulary Pensions (Amending) Order, 1953(f), by the Royal Ulster Constabulary Pensions (Amending) Order, 1954(g), by the Royal Ulster Constabulary Pensions (Amending) (No. 2) Order, 1954(h), and by the Royal Ulster Constabulary Pensions (Amending) Order, 1955(i), shall, as set out in the Schedule hereto and subject to the exceptions and modifications therein specified, apply to the fire officers and firemen employed in a whole-time capacity by the Northern Ireland Fire Authority.

2. This Order may be cited as the Fire Services (Fire Officers and Firemen) Pensions Order (Northern Ireland), 1955, and shall, save as may otherwise be provided in the Schedule hereto, have effect from 1st October, 1952.

Sealed with the Official Seal of the Ministry of Home
Affairs for Northern Ireland this 3rd day of December,
Nineteen hundred and fifty-five in the presence of

(L.S.)

R. F. R. Dunbar,
Assistant Secretary.

(a) 1950, c. 4.
(b) 14 and 15 Geo. 6. c. 65.
(c) S.R. & O. (N.I.), 1949 No. 211.
(d) S.R. & O. (N.I.), 1950 No. 172.
(e) S.R. & O. (N.I.), 1952 No. 89.

(f) S.R. & O. (N.I.), 1953 No. 156.
(g) S.R. & O. (N.I.), 1954 No. 98.
(h) S.R. & O. (N.I.), 1954 No. 118.
(i) S.R. & O. (N.I.), 1955 No. 115.

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PART I

GENERAL

Paragraph 1. Applied with modification as follows:—

Entitlement to award

1.—(1) Subject to the provisions of this Schedule, every member of the fire force of the Northern Ireland Fire Authority employed in a whole-time capacity (hereafter in this Schedule referred to as "member") shall, on retiring from that fire force (hereafter in this Schedule referred to as "the force"), be entitled to an award under this Schedule.

(2) Subject to the provisions of this Schedule, every member who is permanently disabled as the result of any injury or disease whether of body or mind (hereafter in this Schedule referred to as "an injury") received in the execution of his duty as a fireman without his own default shall be entitled to an award under this Schedule on retiring from the force or, where he has retired before becoming disabled, on the date when he becomes so disabled, which, if it cannot be ascertained, shall be taken to be the date when the claim that he is disabled is first made known to the Authority.

(3) The widow of a man who has been a member shall, in the circumstances specified in this Schedule, be entitled to an award.

(4) The child, step-child, illegitimate child or adopted child (hereafter in this Schedule referred to as the "child") of a person who has been a member shall be entitled on the death of that person to an award in the circumstances specified in this Schedule:

Provided that this sub-paragraph shall apply to a step-child, illegitimate child or adopted child only if he was dependent to a substantial extent on the said person at the time of the death.

Paragraph 2. Applied with modification as follows:—

Duration, amount and payment of awards

2.—(1) A pension shall be for life unless it is varied, suspended, terminated or withdrawn under this Schedule.

(2) The amount of a pension payable to a person who has been a member shall, in the manner hereafter provided, be calculated with reference to his average pensionable pay and shall be payable in respect of each year after his retirement.

(3) A pension to a widow or an allowance to a child shall be of such amount as is hereafter provided and shall be payable in respect of each week.

PART II

AWARDS ON RETIREMENT AND DISABLEMENT

Paragraph 3. Applied with modification as follows:—

Member's ordinary pension

3.—(1) Subject to the provisions of this Schedule, where a member who is entitled to reckon twenty-five years' pensionable service retires from the force the award shall be an ordinary pension.

(2) The amount of an ordinary pension shall be determined in accordance with Parts IA and III of Appendix I.

(3) This paragraph shall not apply where—

(a) a fire officer holding a rank higher than that of Assistant Divisional Officer retires without the consent of the Authority before he has attained the age of sixty, or

(b) a member has not given to the Authority one month's written notice or such shorter notice as the Authority may accept of his intention to retire,

unless—

(i) he is required to retire under the provisions of any Regulations for the time being in force relating to compulsory retirement on grounds of age, or

(ii) he is required to retire as an alternative to dismissal.

Paragraph 4. Applied with modification as follows:—

Member's ill-health award

4.—(1) Where a member retires from the force on the ground that he is permanently disabled the award shall be an ill-health award which—

(a) if at the time when he so retires either—

(i) he is entitled to reckon ten years' pensionable service, or

(ii) his disablement is the result of an injury received in the execution of his duty, shall be a pension (hereafter in this Schedule referred to as an "ill-health pension"), and

(b) in other cases, shall be a gratuity.

(2) The amount of the said pension or gratuity shall be determined in accordance with Parts IIA and III of Appendix I.

Paragraph 5. Applied with modification as follows:—

Member's short service award

5.—(1) Where a member is required to retire under the provisions of any Regulations for the time being in force relating to compulsory retirement on grounds of age the award shall, unless paragraph 3 applies, be a short service award.

(2) If at the time when he retires he is not entitled to reckon ten years' pensionable service the award shall be a gratuity and otherwise shall be a pension (hereafter in this Schedule referred to as a "short service pension").

(3) The amount of the said pension or gratuity shall be determined in accordance with Parts IIA and III of Appendix I.

Paragraph 6. Applied with modification as follows:—

Member's supplemental pension

6.—(1) Where a member or a person who has been a member is permanently disabled as a result of an injury received in the execution of his duty as a fireman without his own default (hereafter in this paragraph referred to as "the relevant injury") the award shall include a supplemental pension in respect of any week in respect of which—

(a) none of the payments described in sub-paragraph (3) is payable to him, or

(b) if one or more of the said payments is payable, that payment or the aggregate of those payments, as the case may be, is less than the standard amount appropriate to his case determined in accordance with Part IV of Appendix I, divided by fifty-two and one-sixth.

(2) The amount of the supplemental pension in respect of any week shall—

(a) if none of the said payments is payable in respect of that week, be equal to the said appropriate standard amount divided by fifty-two and one-sixth, and

(b) if one or more of the said payments is payable in respect of that week, be equal to the difference between that payment or, as the case may be, the aggregate of those payments and the said appropriate standard amount divided by fifty-two and one-sixth.

(3) The payments referred to in sub-paragraph (1) are—

(a) any injury benefit payable under the National Insurance (Industrial Injuries) Act (Northern Ireland), 1946, which relates to the relevant injury;

(b) any disablement pension payable under section twelve of the National Insurance (Industrial Injuries) Act (Northern Ireland), 1946, in respect of the relevant injury or so much of any such pension as relates to that injury, together with—

(i) any increase in such pension payable under section thirteen, fourteen, seventeen or eighteen of the said Act or so much of any such increase as is proportionate to that part of the said pension which relates to that injury; and

(ii) so long as he is receiving treatment as an in-patient at a hospital as a result of that injury any increase in such pension payable under section sixteen, seventeen or eighteen of the said Act;

- (c) any sickness benefit payable under the National Insurance Act (Northern Ireland), 1946, until the first day after his retirement which is not or is deemed not to be a day of incapacity for work under section ten of the last-mentioned Act or regulations made thereunder; and
- (d) any ordinary pension, short service pension or ill-health pension (including any such pension awarded by virtue of the provisions of paragraph 9) which becomes or became payable under this Schedule after the time when he received the injury.

(4) For the purposes of this paragraph no account shall be taken of so much of a disablement pension as represents an increase payable under section fifteen of the National Insurance (Industrial Injuries) Act (Northern Ireland), 1946.

(5) Where a person receives a disablement gratuity under the National Insurance (Industrial Injuries) Act (Northern Ireland), 1946, this paragraph shall apply as if he were entitled during the relevant period to a disablement pension under that Act of such amount as would be produced by converting the gratuity into an annuity for that period.

In this sub-paragraph the expression "the relevant period" means the period taken into account, in accordance with section twelve of the said Act, for the purpose of making the assessment by reference to which the gratuity became payable.

Paragraph 7. Applied with modification as follows:—

Award where no other award payable

7. Where a member retires from the force in circumstances which do not entitle him to any other award under this Schedule, the award shall be of an amount equal to the amount of his aggregate pension contributions in respect of the relevant period of service.

Paragraph 8. Applied with modification as follows:—

Award in case of dismissal

8. Where a member is dismissed from the force the Authority shall either pay to him or apply for the benefit of his dependants an amount equal to the amount of his aggregate pension contributions in respect of the relevant period of service.

Paragraph 9. Applied with modification as follows:—

Awards to servicemen

9.—(1) If a serviceman at the end of his period of relevant service in the armed forces of the Crown is permanently disabled, he shall be deemed to have retired from the force and shall be entitled to the same award on the same conditions in all respects as if he had retired at the end of the said period on the grounds of disablement:

Provided that, if his disablement is due to an injury received during the said period, the Authority may, in their discretion—

- (a) pay him, with his consent, in lieu of a gratuity, a pension at the rate of one-twelfth of his average pensionable pay, and
- (b) increase any pension payable under this paragraph, so, however, that the increased pension, together with any service pension payable in respect of the disablement (excluding any allowance for constant attendance, wear and tear of clothing, or comforts), shall not for any period in the aggregate exceed the pension to which he would have been entitled had the said injury been received by him in the execution of his duty as a fireman without his own default.

(2) If a serviceman who resumes service as a member of the force subsequently retires on the ground that he is permanently disabled and his disablement is due to an injury received during his period of relevant service in the armed forces of the Crown, the Authority may, in relation to the award they make to him, exercise the like discretion as is conferred on them by the proviso to sub-paragraph (1).

(3) If a serviceman does not, within one month from the end of his period of relevant service in the armed forces of the Crown, resume service as a member of the force, he shall be treated for the purposes of paragraphs 3, 5 and 7 and of sub-paragraph (1) of paragraph 33 and of sub-paragraph (4) of paragraph 57 as if he had retired from the force at the end of the said period.

Paragraph 10. Not applied.

PART III

AWARDS ON DEATH

Widows

Paragraph 11. Applied with modification as follows:—

Widow's ordinary pension

11.—(1) Subject to the provisions of this Schedule, the widow of such a member or person who has been a member as is described in sub-paragraph (2) shall be entitled to a widow's ordinary pension of the amount determined in accordance with Part IA of Appendix II.

(2) The member or person who has been a member referred to in sub-paragraph (1) is one who is entitled to reckon not less than three years' pensionable service and—

- (a) dies while serving in the force, or
- (b) retires because he is disabled and his death results from the same injury as resulted in his disablement, or
- (c) retires and receives a pension and dies while still in receipt of the pension.

Paragraph 12. Not applied.

Paragraph 13. Applied with modification as follows:—

Widow's special pension

13.—(1) Where a man dies as the result of an injury received in the execution of his duty as a fireman without his own default, the award to his widow shall be a widow's special pension.

(2) The amount of a widow's special pension shall be determined in accordance with Part III of Appendix II.

Paragraph 13A. Not applied.

Paragraph 14. Applied with modification as follows:—

Gratuity in lieu of pension

14. Where a widow is entitled to a pension and the Authority are satisfied that there is sufficient reason for granting her a gratuity in lieu thereof, they may, in their discretion and with her consent, substitute for the pension a gratuity determined in accordance with Part IV of Appendix II.

Paragraph 15. Applied without modification:—

Widow's ordinary gratuity

15. Where a member dies and his widow is not entitled to a pension under this Schedule, the award shall be a widow's ordinary gratuity which shall be determined in accordance with Part V of Appendix II.

Paragraph 16. Applied with modification as follows:—

Date of payment of award

16. A pension or gratuity awarded to a widow shall be payable on the death of her husband except—

- (a) where her husband was in receipt of a pension and he dies during a period in respect of which he has already received his pension, in which case the widow's pension shall be payable at the end of that period; or
- (b) where her husband has received a gratuity, in which case the widow's pension shall be payable at such time as the Authority may, in their discretion, determine to be reasonable, not being more than one year after his death, having regard to all the circumstances, including the amount of the gratuity.

Paragraph 17. Not applied.

Paragraph 18. Applied with modification as follows:—

Limitation on award to widow with reference to date of marriage

18. A widow shall not be entitled to a widow's special or ordinary pension or gratuity unless she was married to her husband before he last ceased to be a member.

Paragraph 19. Applied with modification as follows:—

Limitation on award to widow living apart from husband

19.—(1) Where a member or a person who has been a member dies leaving a widow who was living apart from him at the time

of his death, then, notwithstanding anything in this Schedule, no pension or gratuity shall be payable to her unless either—

- (a) at the time of the death the deceased was regularly contributing to her support, or was liable to contribute to her support by virtue of any agreement or any order of a competent court, or
- (b) she was living apart from him because he had deserted her:

Provided that, where the preceding provisions of this paragraph would prevent the payment of a widow's pension or gratuity, the Authority may, in their discretion, if they consider that the application of those provisions would cause substantial hardship in that case, pay the pension or gratuity.

(2) For the purposes of this paragraph, contributions to a woman for the support of her child shall be treated as contributions to her support.

Paragraph 20. Applied with modification as follows:—

Termination of widow's pension on remarriage

20.—(1) Where a pension becomes payable to a widow under this Schedule, other than under paragraph 54, then, if she subsequently remarries, she shall not be entitled to receive any payment on account of the pension in respect of any period after her remarriage:

Provided that, if at any time after her remarriage she again becomes a widow, the Authority may, in their discretion, resume payment of the pension.

(2) Where a gratuity becomes payable to a widow under this Schedule, then, if she subsequently remarries, so much of the gratuity as has not been paid before her remarriage shall not be payable thereafter:

Provided that, if at any time after her remarriage the woman again becomes a widow, the Authority may, in their discretion, pay to her the sums which they were actually or contingently liable to pay to her in respect of the gratuity immediately before her remarriage.

(3) Where and for so long as a woman is cohabiting with a man this paragraph shall apply as if she were married to him.

Children

Paragraph 21. Applied with modification as follows:—

Child's ordinary allowance

21.—(1) Subject to the provisions of this Schedule, each of the children of such a member or person who has been a member as is described in sub-paragraph (2) shall be entitled to a child's ordinary allowance determined in accordance with Part IA of Appendix III.

(2) The member or person who has been a member referred to in sub-paragraph (1) is one who—

- (a) dies while serving in the force, or

- (b) retires and receives a pension and dies while still in receipt of the pension, or
- (c) dies after having received a gratuity on retirement when he was entitled to reckon not less than three years' pensionable service.

Paragraph 22. Applied with modification as follows:—

Child's special allowance

22. Subject to the provisions of this Schedule, where a member or a person who has been a member dies as the result of an injury received in the execution of his duty as a fireman without his own default, each of his children shall be entitled to a child's special allowance determined in accordance with Part II of Appendix III.

Paragraph 23. Applied with modification as follows:—

Variation in child's allowance

23.—(1) Subject to the provisions of this Schedule, a child's allowance may, if the Authority in their discretion from time to time think fit, be increased in accordance with Part IIIA of Appendix III.

(2) Notwithstanding anything in paragraphs 21 and 22 a child's allowance shall, in the circumstances described in Part IV of Appendix III of this Schedule and in accordance with the provisions of the said Part IV, be reduced to nothing or be paid at a lesser amount than that to which the child would otherwise be entitled.

Paragraph 24. Applied with modification as follows:—

Gratuity in lieu of child's allowance

24. Where a child is entitled to an allowance under this Schedule and the Authority are satisfied that there are sufficient reasons for the grant of a gratuity in lieu thereof they may, in their discretion and with the consent of the child's surviving parent (if any) or guardian, substitute for the allowance a gratuity determined in accordance with Part V of Appendix III.

Paragraph 25. Applied without modification:—

Limitation on right to child's allowance

25.—(1) A child shall not be granted an allowance under this Schedule unless—

- (a) if a legitimate child, he is the child of or has been legitimated by a marriage which took place before the relevant date,
- (b) if a step-child, he is the child of a spouse whose marriage to the parent in respect of whose death the allowance is payable took place before the relevant date,
- (c) if an illegitimate child, he was born before the relevant date,
- (d) if an adopted child, he was adopted before the relevant date.

(2) The relevant date for the purposes of sub-paragraph (1) is the date on which the person in respect of whose death the allowance is payable last ceased to be a member.

Paragraph 26. Applied with modification as follows:—

Duration of child's allowance

26.—(1) A child's allowance shall be payable on the death of the person in respect of whose death the allowance is payable except—

- (a) where that person was in receipt of a pension and he dies during a period in respect of which he has already received his pension, in which case the allowance shall be payable at the end of that period; or
- (b) where that person has received a gratuity, in which case the allowance shall be payable at such time as the Authority may, in their discretion, determine to be reasonable, not being more than one year after that person's death, having regard to all the circumstances, including the amount of the gratuity.

(2) A child's allowance shall be payable up to the time when the child attains the age of sixteen years and, if on attaining that age he is receiving full-time education, thereafter until the next thirty-first day of July or until he first ceases to receive full-time education, whichever is the earlier.

Paragraph 27. Not applied.

Widows, Children and Dependants

Paragraph 28. Applied with modification as follows:—

Awards on death of servicemen

28.—(1) If a serviceman—

- (a) dies during his period of relevant service in the armed forces of the Crown, or
- (b) having at the end of that period been permanently disabled, dies (without any intervening period of service in the force) as the result of the injury which resulted in his disablement, or while in receipt of a pension under the provisions of this Schedule,

this Schedule shall have effect as if he died while serving as a member.

(2) If such a serviceman as is referred to in sub-paragraph (1) dies as the result of an injury received during his period of relevant service in the armed forces of the Crown, the Authority may, in their discretion—

- (a) pay to his widow, in lieu of a gratuity, a pension at the rate of nineteen shillings and twopence a week;
- (b) increase any pension or allowance payable under this paragraph, so, however, that the increased pension or allowance, together with any service pension payable in respect of the death to or for the widow or child,

as the case may be, shall not in the aggregate for any period exceed the pension or allowance to which the widow or child, as the case may be, would have been entitled had the injury which resulted in the death been received by the serviceman in the execution of his duty as a fireman without his own default.

(3) If a serviceman who resumes service as a member of the force subsequently dies (whether while serving as a member or otherwise) as the result of an injury received during his period of relevant service in the armed forces of the Crown, the Authority may, in relation to any award made to his widow or a child of his, exercise the like discretion as is conferred on them by sub-paragraph (2).

Paragraph 29. Applied with modification as follows:—

Awards to relatives or estate

29.—(1) If a member dies and no other award is payable under this Schedule, the Authority—

- (a) may, in their discretion, grant a gratuity to any of his relatives who were dependent on him to any degree at the time of his death, and
- (b) if either no gratuity is paid under (a) hereof or any gratuities so paid do not exhaust the maximum amount provided for in sub-paragraph (3), shall pay his legal personal representatives a gratuity sufficient to exhaust the said maximum amount.

(2) If the death of a person in receipt of a pension, not being a widow's pension, under this Schedule—

- (a) results from an injury received in the execution of his duty, or
- (b) takes place within two years of the grant of his pension,

the Authority may, in their discretion, grant a gratuity to any relative who was at the time of his death dependent on him to any degree.

(3) The aggregate of all gratuities paid under this paragraph shall not exceed the aggregate pension contributions in respect of the relevant period of service of the member or, as the case may be, the person in receipt of the pension.

Paragraph 30. Applied without modification:—

Prevention of duplication

30. A person who but for this paragraph would become entitled to two awards under this Part of this Schedule shall, on the events occurring which would otherwise create the entitlement, select one of the said awards and thereupon the entitlement to the other or, as the case may be, any further payment under the other, shall cease forthwith.

PART IV

PENSIONABLE SERVICE

Paragraph 31. Applied with modification as follows:—

Reckoning of pensionable service

31.—(1) Subject as hereinafter provided, a member shall be entitled to reckon as pensionable service all his whole-time service as a fire officer or fireman from 1st April, 1950, or the date on which he last joined the force in a whole-time capacity, whichever is the later.

(2) Subject to sub-paragraph (3), a member shall not be entitled to reckon as pensionable service any period of absence from duty as a member without pay including any period of suspension from duty terminating with his having been found guilty of an offence against discipline or a criminal offence.

(3) Where a member is or has been absent from duty without pay, the Authority may, in their discretion, at any time while he is a member of the force, resolve that the whole or any part of the period of absence shall be included in his period of pensionable service for the purposes of this Schedule.

(4) Where by virtue of any such resolution as aforesaid any period falls to be counted as a period of pensionable service, the member shall become liable to pay to the Authority the pension contributions which would have been payable by him for that period if he had not been absent from duty without pay.

(5) A serviceman shall be entitled to reckon as pensionable service his period of relevant service in the armed forces of the Crown, not being earlier than 15th July, 1950.

Paragraph 32. Applied with modification as follows:—

Additions to pensionable service

32.—(1) A member who retires from the force with an ill-health pension and who subsequently rejoins the force shall be entitled to reckon as pensionable service any period of such service which he was entitled to reckon when he so retired.

(2) A member who was serving as such on 1st April, 1951, and who, having formerly been a regular fireman, rendered continuous whole-time service from the date on which he ceased to serve as a regular fireman until the date on which he became a member, in any two or more of the following services, that is to say—

- (a) the National Fire Service (Northern Ireland);
- (b) the fire brigade of a fire authority constituted under the Fire Services Act (Northern Ireland) (Reprint), 1947;
- (c) the fire brigade of the Council of the County Borough of Belfast established in pursuance of section twelve of the Fire Services (Amendment) Act (Northern Ireland), 1950,

shall be entitled to reckon as pensionable service such continuous whole-time service up to 31st March, 1950, together with his previous service as a regular fireman.

(3) A member (not being such a member as is referred to in sub-paragraph (2)) who was serving as such on 1st April, 1950, and who, having formerly been in the whole-time employment of a local authority in a pensionable capacity, rendered continuous whole-time service from the date on which his whole-time employment with the local authority ceased until 31st March, 1950, in the following services, that is to say—

(a) the National Fire Service (Northern Ireland);

(b) the fire brigade of a fire authority constituted under the Fire Services Act (Northern Ireland) (Reprint), 1947,

shall be entitled to reckon as pensionable service such continuous whole-time service up to 31st March, 1950, together with three-quarters of the period of his whole-time employment with the local authority in a pensionable capacity.

Paragraph 33. Applied with modification as follows:—

Additions to pensionable service on payment.

33.—(1) Where a member who retires and on retirement is not granted a pension rejoins the force, he shall be entitled to reckon as pensionable service any period which he was so entitled to reckon when he retired, provided that he undertakes within three months after the date of rejoining to pay to the Authority, in accordance with Appendix IV, an amount equal to any amount awarded on his retirement.

(2) A member who was serving as such on 1st April, 1950, and who joined the force within twelve months of ceasing to serve in an established capacity in the Civil Service of Northern Ireland shall be entitled to reckon as pensionable service three-quarters of the period of his service in such established capacity if the Authority receive from the Ministry of Finance an amount representing the accrued superannuation value of his service as a civil servant equal to the transfer value which would have been payable under the rules for the time being in force by virtue of sections six and ten of the Superannuation (Miscellaneous Provisions) Act (Northern Ireland), 1951, had the member on ceasing to be a civil servant become employed in such employment as is referred to in paragraph (a) of sub-section (1) of section five of that Act.

(3) A member who was serving in the fire brigade of the Council of the County Borough of Belfast on 1st April, 1950, and who joined the force within twelve months of that date shall be entitled to reckon as pensionable service his service in the said fire brigade from 1st April, 1950, until the date on which he joined the force, provided that he undertakes, within three months after the date of this Order, to pay to the Authority, in accordance with Appendix IV, five per cent. of the amount of pay which he received in respect of that service in the said fire brigade, less one shilling and twopence or twopence for each week thereof, according to the rate of pension contributions which he is liable to pay under paragraph 36.

(4) A member (not being such a member as is referred to in sub-paragraph (3)) who joins the force within twelve months of retiring from the fire brigade of the Council of the County Borough of Belfast shall be entitled to reckon as pensionable service the period which he was entitled to reckon as pensionable service under the pension scheme made by the said Council under the provisions of section thirteen of the Fire Services (Amendment) Act (Northern Ireland), 1950, provided that—

- (a) under the said pension scheme he was, on so retiring, entitled only to the award of an amount equal to the amount of his aggregate pension contributions in respect of the relevant period of service;
- (b) he undertakes, within three months after the date of joining the force, to pay to the Authority, in accordance with Appendix IV, an amount equal to the amount of such award; and
- (c) the Authority receive from the said Council the appropriate transfer value calculated in accordance with the provisions of the said scheme.

(5) A member (not being such a member as is referred to in sub-paragraph (2) or sub-paragraph (3) of paragraph 32) who was serving as such on 1st April, 1950, and who rendered continuous whole-time service until 31st March, 1950, in any of the following services, that is to say—

- (a) the Auxiliary Fire Service of Northern Ireland;
- (b) the National Fire Service (Northern Ireland);
- (c) the fire brigade of a fire authority constituted under the Fire Services Act (Northern Ireland) (Reprint), 1947,

shall be entitled to reckon as pensionable service—

- (i) one-half of such of his whole-time service in the Auxiliary Fire Service of Northern Ireland and one-half of such of his whole-time service in the National Fire Service (Northern Ireland) as is in each case comprised in the continuous whole-time service referred to in this sub-paragraph, provided that he undertakes, within three months after the date of this Order, to pay to the Authority, in accordance with Appendix IV, the appropriate amount calculated in accordance with Appendix V;
- (ii) all of such of his whole-time service in the fire brigade of a fire authority constituted under the Fire Services Act (Northern Ireland) (Reprint), 1947, as is comprised in the continuous whole-time service referred to in this sub-paragraph, provided that he undertakes, within three months after the date of this Order, to pay to the Authority, in accordance with Appendix IV, five per cent. of the amount of pay which he received in respect of such whole-time service in the brigade, less one shilling and twopence or twopence for each week of such whole-time service from 5th July, 1948, onwards, according to the rate of pension contributions which he is liable to pay under paragraph 36.

(6) A member (not being such a member as is referred to in sub-paragraph (2) or sub-paragraph (3) of paragraph 32 or in sub-paragraph (5) of this paragraph) who was serving as such on 1st April, 1950, and who rendered continuous whole-time service until 31st December, 1947, in either or both of the following services, that is to say—

(a) the Auxiliary Fire Service of Northern Ireland;

(b) the National Fire Service (Northern Ireland),

shall be entitled to reckon as pensionable service one-half of such whole-time continuous service subject to the condition specified in part (i) of sub-paragraph (5) of this paragraph.

Paragraph 34. Applied with modification as follows:—

Additions to pensionable service at the discretion of the Authority

34. If the Authority, in their discretion, think fit, a member who has rendered whole-time service in Great Britain in either or both of the following services, that is to say—

(a) the National Fire Service;

(b) a fire brigade maintained by a local authority (or in more than one such fire brigade),

shall be entitled to reckon as pensionable service the whole (or so much as the Authority, in their discretion, think fit) of such whole-time service in Great Britain, provided that he undertakes, within three months after the date of this Order or the date of joining the force, whichever is the later, to pay to the Authority, in accordance with Appendix IV, an amount equal to the whole (or, as the case may be, a proportionate part) of any amount awarded on his last retirement from such whole-time service.

Paragraph 35. Applied with modification as follows:—

Members who served in His Majesty's Forces—1939/45 war

35. For the purposes of sub-paragraphs (2) and (3) of paragraph 32 and of sub-paragraphs (5) and (6) of paragraph 33, service in the armed forces of the Crown for the purposes of the war in progress on 3rd September, 1939, shall not be regarded as breaking continuity of whole-time service in any or all of the services referred to in those sub-paragraphs and shall be deemed to be part of such whole-time service.

PART V

PENSION CONTRIBUTIONS

Paragraph 36. Applied with modification as follows:—

36.—(1) Subject to the provisions of this Schedule, a member shall pay to the Authority, with effect from 1st April, 1950, or such later date on which he became or becomes a member, pension contributions equal to one shilling and twopence a week less than five per cent. of his pensionable pay.

(2) Payment of pension contributions may, without prejudice to any other method of payment, be effected by deduction of an appropriate amount from each instalment of pay.

(3) A member who was formerly a regular fireman and who is such a member as is referred to in sub-paragraph (2) of paragraph 32 or in sub-paragraph (3) of paragraph 33 shall pay pension contributions at the rate of twopence a week less than five per cent. of his pensionable pay, but may elect, if he gives notice in writing to that effect to the Authority within three months after the date of this Order, to pay pension contributions at the rate specified in sub-paragraph (1).

(4) Sub-paragraph (3) shall apply to a member who—

- (a) under sub-paragraph (2) of paragraph 33 is entitled to reckon as pensionable service three-quarters of the period of his service in an established capacity in the Civil Service of Northern Ireland, and who, as an established civil servant, was an insured person within the meaning of the National Insurance Act (Northern Ireland), 1946, and had been excepted from the operation of any regulations made under sub-section (4) of section sixty-six of that Act modifying the superannuation allowances payable to civil servants;
- (b) under sub-paragraph (4) of paragraph 33 or under paragraph 34 is entitled to reckon as pensionable service whole-time service in the fire brigade of the Council of the County Borough of Belfast or in the fire brigade of a local authority in Great Britain and who, immediately before he retired from such fire brigade, was, under any superannuation scheme, paying contributions equal to twopence a week less than five per cent. of his pay in such brigade:

Provided that, in its application, the said sub-paragraph (3) shall have effect as if after the words "of this Order" there were inserted the words "or the date of his joining the force, whichever is the later".

(5) A serviceman shall pay pension contributions to the Authority in respect of his period of relevant service in the armed forces of the Crown, not being earlier than 15th July, 1950, as though he had remained a member:

Provided that pension contributions shall not be payable by a serviceman in respect of any period during which he is in receipt of service pay which when aggregated with any payments under Part V of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951, as extended to Northern Ireland, is less than his pensionable pay.

PART VI

CANCELLATION, REVISION, REDUCTION, ETC., OF AWARDS

Paragraph 37. Applied with modification as follows:—

Cancellation of ill-health and supplemental pension

37.—(1) As long as a person—

- (a) is in receipt of an ill-health pension,
- (b) would not if he had continued to serve as a member instead of retiring with an ill-health pension have been entitled to reckon twenty-five years' pensionable service, and

(c) if he had continued so to serve would not have been compelled to retire on grounds of age under the terms of any Regulations in force relating to retirement on such grounds, the Authority may consider, at such intervals as they, in their discretion, think fit, whether his disability has ceased.

(2) If on any such consideration it is found that his disability has ceased, the Authority may, subject as hereinafter provided, require the person concerned to rejoin the force in a rank not lower than the rank he held immediately before he retired with the ill-health pension, and on the date when he so rejoins the ill-health pension and any supplemental pension shall cease. If he fails to rejoin within three months from the date on which he was required to do so, the ill-health pension and any supplemental pension shall, subject as hereinafter provided, cease at the end of the said three months.

Paragraph 38. Applied with modification as follows:—

Reassessment of supplemental pension

38. Subject as hereinafter provided, where a supplemental pension is payable under this Schedule, the Authority shall, at such reasonable intervals as they may think fit, consider whether the degree of the pensioner's disablement has altered, and if, after such consideration, the Authority find that the degree of the pensioner's disablement has substantially altered, the pension shall be reassessed accordingly.

Paragraph 39. Applied with modification as follows:—

Reduction, suspension or disallowance of an award

39. Where a member or a person who has been a member, or any widow, child or dependant of any such member or person receives any compensation in respect of the injury or death of the member or person, awarded under the Criminal Injuries (Ireland) Acts, such compensation may be taken into account in assessing any pension, allowance or gratuity payable under this Schedule in respect of such injury or death, and such pension, allowance or gratuity may be reduced, suspended or disallowed accordingly, and where the compensation is received after assessment it may be taken into account and the assessment may be amended or cancelled accordingly, but no such reduction, suspension, disallowance, amendment or cancellation will be made where it is shown to the satisfaction of the Authority that in assessing such compensation the Court had cognisance of the fact that a pension, allowance or gratuity had been or would be awarded under the terms of this Schedule without reference to the decision of the Court on such claim for compensation.

Paragraph 40. Applied with modification as follows:—

Reduction of pension in case of default

40. Where a member who retires from the force on the grounds that he is permanently disabled has brought about or substantially contributed to the disablement by his own default,

the Authority may, in their discretion, reduce the amount of any pension or gratuity payable to him on his retirement by an amount not exceeding one-half of that to which he would otherwise be entitled:

Provided that this paragraph shall not apply where the person concerned is entitled to reckon twenty-five years' pensionable service.

Paragraph 41. Applied with modification as follows:—

Withdrawal of pension on re-employment

41. Where a pension is payable under this Schedule the Authority may, in their discretion, withdraw the whole or any part of it while the pensioner is employed in any capacity by a local authority.

Paragraph 42. Applied with modification as follows:—

Withdrawal of pension or allowance for misconduct

42. Where any person to whom a pension or allowance is payable under this Schedule—

(a) is sentenced for any offence to preventive detention or corrective training or to imprisonment for a term exceeding twelve months, or

(b) becomes or continues to be, engaged in any business, occupation or employment which is illegal,

the Authority may, in their discretion, withdraw the pension or allowance either wholly or in part and either temporarily or permanently; and so much of any pension or allowance as is withdrawn under this paragraph may, to such extent as the Authority, in their discretion, think fit, be applied by the Authority for the benefit of any dependant of the person to whom it would otherwise be payable:

Provided that a pension or allowance shall not be withdrawn under (b) hereof unless reasonable warning has previously been given in writing by or on behalf of the Authority.

Paragraph 43. Applied with modification as follows:—

Discharge of liability of Authority on withdrawal of pension

43. To the extent to which a pension or allowance is withdrawn under any of the preceding provisions of this Schedule, the Authority shall be discharged from all actual or contingent liability in respect thereof.

PART VII

DETERMINATION OF QUESTIONS

Paragraph 44. Applied with modification as follows:—

44.—(1) Subject as hereinafter provided, the question whether a person is entitled to any, and, if so, what awards under this Schedule shall be determined in the first instance by the Authority.

(2) Subject to the provisions of this Schedule, the Authority shall consider the medical evidence of at least one duly qualified medical practitioner selected by the Authority before determining, for the purposes of this Schedule, any of the following questions—

- (a) whether a person is disabled;
- (b) whether a person's disablement is likely to be permanent;
- (c) whether a person's disablement is the result of an injury received in the execution of his duty as a fireman;
- (d) the degree of a person's disablement;
- (e) whether a person has brought about or substantially contributed to his disablement by his own default; and
- (f) whether a person's disability has ceased:

Provided that, where the Authority are unable to obtain such evidence by reason of the wilful or negligent failure of any person to submit to medical examination by some duly qualified medical practitioner or practitioners selected by the Authority, the Authority may dispense with such evidence and may give such decision on the question at issue as they may in their discretion choose to give, either without medical evidence or upon such medical evidence as they think fit.

(3) Where any person claims that he is entitled to a pension, allowance or gratuity under the provisions of this Schedule, or to any payment on account of any such pension, allowance or gratuity, or that the Authority should not require him under the provisions of sub-paragraph (2) of paragraph 37 to rejoin the force, and the Authority do not admit the claim at all, or do not admit the claim to the full extent thereof, the person concerned may apply to the Authority for a reconsideration of the claim, and, if aggrieved by the decision on such reconsideration, may appeal to the Ministry against the decision of the Authority.

(4) The Ministry shall, unless it appears to it that the case is of such a nature that it can properly be determined without taking oral evidence, arrange for the hearing of the appeal, and at any such hearing the appellant shall be entitled to have an opportunity of submitting statements relating to the subject matter of the appeal, calling witnesses, giving evidence and making such representations as he desires, and shall be entitled to have the assistance in presenting his case of a person selected by himself.

(5) The Ministry shall, where a medical question is involved in the appeal, consider the medical evidence of at least one independent medical practitioner selected by it.

(6) After considering in accordance with the foregoing provisions of this paragraph all the circumstances of the case the Ministry shall either allow the claim to such extent as it thinks fit or dismiss the appeal:

Provided that nothing in this sub-paragraph shall authorise the Ministry to control or restrict the exercise of any discretion which is by this Schedule vested in the Authority.

(7) The decision of the Ministry on an appeal under sub-paragraph (3) shall be final and binding on both parties.

PART VIII

PAYMENT AND ASSIGNMENT OF AWARDS

Paragraph 45. Applied with modification as follows:—

Payment of awards

45.—(1) Subject to the provisions of this Schedule, every pension or allowance payable thereunder shall, subject to such delay as may be necessary for the purpose of determining any question arising in respect thereof, be discharged by payments in advance at such reasonable intervals as the Authority may, in their discretion, determine.

(2) Where a person dies after receiving a sum paid in advance on account of a pension or allowance under this Schedule neither the said sum nor any part thereof shall be recoverable although referable to a period after his death.

(3) Where a widow remarries after receiving a sum paid in advance on account of a pension under this Schedule neither the said sum nor any part thereof shall be recoverable although referable to a period after her remarriage.

(4) Every gratuity payable under this Schedule shall be paid in one sum:

Provided that, where the Authority are satisfied that it would be for the advantage of the beneficiary to pay a gratuity in instalments, they may pay it in instalments of such reasonable amounts and over such reasonable period as they think fit.

Paragraph 46. Applied with modification as follows:—

Assignment of awards

46. Every assignment of or charge on an award granted under this Schedule and every agreement to assign or charge such an award shall, except in so far as it is made for the benefit of the family of the pensioner and with the consent of the Authority, be void, and, on the bankruptcy of the pensioner, such an award shall not pass to any trustee or other person acting on behalf of the creditors.

Paragraph 47. Applied with modification as follows:—

Payment of awards other than to persons entitled

47.—(1) Where any sum is due on account of a pension, and any debt is due by the pensioner to the Authority, so much of the said sum as does not exceed the debt may be applied by the Authority in or towards the satisfaction of the debt.

(2) On the death of a pensioner to whom a sum not exceeding two hundred pounds is due on account of a pension, the Authority may, without probate, confirmation or any other formality or proof of title, pay the said sum to the persons appearing to the Authority to be beneficially entitled to the personal estate of the deceased or, as the Authority think fit, pay the said sum to one or more of those persons or distribute it among all or any of those persons in such proportions as the Authority may determine.

(3) Where any sum is payable to a minor on account of a pension, the Authority may, in their discretion, in lieu of paying the said sum to the minor, pay it to such other person as they may determine, and a person who receives any sum so paid shall, subject to and in accordance with any directions of the Authority, apply the said sum for the minor's benefit.

(4) This paragraph shall apply with respect to other awards payable under this Schedule as it applies with respect to pensions, and accordingly any reference in this paragraph to a pension shall be construed as including a reference to any other award, and any reference therein to a pensioner shall be construed as including a reference to a person to whom any award is payable.

(5) The Authority shall obtain a good discharge by applying or paying any sum in the manner provided by this paragraph.

PART IX

COMPULSORY RETIREMENT

Paragraphs 48 to 51. Not applied.

PART X

MISCELLANEOUS AND SUPPLEMENTAL

Paragraph 52. Not applied.

Paragraph 53. Applied with modification as follows:—

Payment of transfer value to Council of the County Borough of Belfast

53. Where a member retires and joins the fire brigade of the Council of the County Borough of Belfast in such circumstances that he is entitled, subject to the provisions of the pensions scheme made by the said Council under the provisions of section thirteen of the Fire Services (Amendment) Act (Northern Ireland), 1950, to reckon service in the force (hereinafter referred to as "relevant service") as pensionable service under the said pensions scheme, the said Council shall be entitled to receive from the Authority a transfer value, determined in accordance with Appendix VI, in respect of the relevant service, but only if and when any payments which the member may be liable to make to the Authority in respect of the relevant service, whether by way of pension contributions or otherwise, have been fully discharged:

Provided that, if through failure to carry out the requirements of the said pensions scheme the member ceases to be entitled to reckon the relevant service as pensionable service under that scheme, the Authority shall be entitled to be refunded the said transfer value.

Paragraph 54. Applied with modification as follows:—

Allocation of part of pension

54.—(1) If within three months before retiring with an ordinary pension or a short service pension a member—

- (a) gives notice to the Authority of his intention to surrender a portion of the pension not exceeding one-third thereof, and
- (b) nominates the person in whose favour the surrender is to take effect, and
- (c) provides the Authority with such evidence of his good health as the Authority consider satisfactory,

the pension shall be reduced accordingly, and after his death the Authority shall pay to the person so nominated, if that person survives him, a pension of such amount as, according to tables from time to time prepared by the Authority, is actuarially equivalent, as at the time when the ordinary or short service pension first became payable, to that part of the pension which he has surrendered.

(2) A member shall not be entitled under this paragraph to surrender a part of his pension in favour of any person other than his wife unless the Authority are satisfied that that person is dependent to a substantial extent on the member when he gives notice of his desire so to surrender part of his pension.

Paragraph 55. Applied with modification as follows:—

Posthumous children

55. Where a legitimate child is born after his father's death he shall, as from his birth, be entitled to receive any allowance which would have become payable to him under this Schedule on his father's death if he had been born immediately before his father died, and any reference in this Schedule to an allowance payable on death shall be construed as including a reference to an allowance payable by virtue of this paragraph.

Paragraph 56. Applied with modification as follows:—

Pensionable pay

56.—(1) The pensionable pay of a member shall be the pay to which, in accordance with his conditions of service, he is or has been from time to time entitled and shall be exclusive of allowances.

(2) The average pensionable pay of a member shall be the aggregate of his pensionable pay during the three years immediately preceding the date when he last ceased to be a member, ignoring any temporary reduction in rate of pay by way of punishment or while he was absent from duty on sick leave, divided by three:

Provided that, where the member was in receipt of pensionable pay for only part of the said three years, the said

aggregate shall be divided by the number of years and that fraction of a year for which he was in receipt of pensionable pay during the said period.

(3) For the purposes of calculating pensionable pay a serviceman shall be deemed to receive during his period of relevant service in the armed forces of the Crown the pay which he would have received if he had continued to serve as a member of the force.

(4) Where it is necessary for any of the purposes of this Schedule to calculate the annual rate of pensionable pay of, or the pay received in any period by, a person who was conditioned to weekly pay, such person shall be deemed to have been entitled to an annual rate of pay at the rate of fifty-two and one-sixth times the amount of the weekly pay, and where for the purpose of calculating an award to a widow or a child it is necessary to determine average pensionable pay for a period of a week it shall be taken to be the average pensionable pay divided by fifty-two and one-sixth.

Paragraph 57. Applied with modification as follows:—

Interpretation

57.—(1) In this Schedule, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say—

“the Authority” means the Northern Ireland Fire Authority;

“child” has the meaning assigned to it by sub-paragraph (4) of paragraph 1;

“fire force” means the fire officers and firemen employed by the Authority in the discharge of their functions as regards provision of local fire services and enforcement of fire precautions;

“injury” includes any injury or disease, whether of body or mind;

“local authority” means the council of any county, or county or other borough, or urban or rural district;

“member” has the meaning assigned to it by sub-paragraph (1) of paragraph 1;

“the Ministry” means the Ministry of Home Affairs;

“pensionable pay” has the meaning assigned to it by paragraph 56;

“regular fireman” means a person who became a member of the National Fire Service (Northern Ireland) under or by virtue of the Fire Services (Emergency Provisions) Act (Northern Ireland), 1942, and who, immediately before he became such a member, was employed as a whole-time member of the fire brigade of a local authority empowered by or under any enactment to award a pension to any such whole-time member;

“relevant service in the armed forces of the Crown” means—

(a) service specified in the First Schedule to the Reserve and Auxiliary Forces (Protection of Civil Interests)

Act, 1951, other than service specified in sub-paragraph (b) of paragraph 5 thereof, and

- (b) service for the purpose of training only performed by a person mentioned in paragraph 7 of the First Schedule to the Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951, for a period shorter than seven days.

“retire” includes resign, and retirement and retired shall be construed accordingly;

“serviceman” means a person who immediately before undertaking relevant service in the armed forces of the Crown was a member of the force.

(2) A reference in this Schedule to a person being in receipt of a pension includes a reference to a person who would be in receipt of a pension but for the provisions of paragraph 39.

(3) A reference in this Schedule to a person being in receipt of a supplemental pension includes a reference to a person who would be in receipt of such a pension if the aggregate of any of the payments described in sub-paragraph (3) of paragraph 6 were less than the standard amount appropriate to his case.

(4) Where for the purpose of calculating the amount of any award it is necessary to do so by reference to the aggregate pension contributions of a person in respect of the relevant period of service, such period of service shall be taken to be the period ending in the retirement, dismissal or death on which the award is payable and beginning with the date on which he last became liable under the provisions of this Order to pay pension contributions, and the aggregate pension contributions in respect of the relevant period means—

(a) the aggregate of the pension contributions made in respect of that period by that person to the Authority, together with—

(b) the amount of any sum paid by that person to the Authority as a condition of being entitled to reckon service before the said period as pensionable service.

(5) A reference in this Schedule to an injury received by a person in the execution of his duty as a fireman means an injury received in the execution of that person's duty—

(a) as a fire officer or fireman in the force; or

(b) as a fire officer or fireman in the fire brigade of a fire authority constituted under the Fire Services Act (Northern Ireland) (Reprint), 1947, as a fire officer or fireman in the fire brigade of the Council of the County Borough of Belfast established in pursuance of section twelve of the Fire Services (Amendment) Act (Northern Ireland), 1950, or as a member of the National Fire Service (Northern Ireland) after 19th March, 1946,

and includes any injury received while on duty or while on a journey necessary to enable him to report for duty or to return home after duty:

Provided that part (b) of this sub-paragraph shall apply only if the injury was received during a period of service that

has been taken into account in reckoning the person's pensionable service for the purposes of this Schedule.

(6) A reference in this Schedule to a person being permanently disabled is to be taken as a reference to that person being disabled at the time when the question arises for decision and to that disablement being at that time likely to be permanent; and disablement where the person concerned is a member means inability to perform the ordinary duties of a member; and, where it is necessary to determine the degree of a person's disablement it shall be determined by reference to the degree to which his earning capacity has been affected as a result of the injury in respect of which the award is made; and a person shall be deemed to be totally disabled if, and only if, as a result of such an injury, either he is incapable by reason of the disablement of earning any money in any employment or is receiving treatment as an in-patient at a hospital.

(7) Disablement or death or treatment at a hospital shall, for the purposes of this Schedule, be deemed to be the result of an injury if the injury has caused or substantially contributed to the disablement or death or the conditions for which treatment is being received.

(8) Notwithstanding anything in this Schedule relating to a period of service in the armed forces of the Crown, an injury received in the execution of duty as a member of the armed forces shall not be deemed to be an injury received in the execution of duty as a fireman.

Paragraphs 58, 59 and 60. Not applied.

APPENDIX I

PART I

Not applied.

PART IA

Applied with modification as follows:—

PART IA. (PARAGRAPH 3 (SCHEDULE))

MEMBER'S ORDINARY PENSION

The amount of a member's ordinary pension in respect of each year shall be an amount equal to thirty-sixtieths of the member's average pensionable pay, with the addition of one-sixtieth for each completed half-year by which his pensionable service exceeds twenty-five years, up to a maximum of forty-sixtieths.

PART II

Not applied.

PART IIA

Applied with modification as follows:—

PART IIA. (PARAGRAPHS 4 AND 5 (SCHEDULE))

MEMBER'S ILL-HEALTH OR SHORT SERVICE AWARD

1. Where the award is a gratuity and the member has at least one completed year of pensionable service, the gratuity shall be one-twelfth of the member's average pensionable pay multiplied by the number of completed years of pensionable service which he is entitled to count;

Provided that, for the purposes of this assessment, there may be added to such pensionable service such period not exceeding five years as the Authority may, in their discretion, think fit.

Where the member has not completed one year's pensionable service, the gratuity shall be an amount equal to the member's aggregate pension contributions in respect of the relevant period of service.

2. Where the award is a pension, the amount thereof in respect of each year shall be equal to one-sixtieth of the member's average pensionable pay for each completed year of pensionable service up to twenty years, with the addition of one-sixtieth for each completed half-year by which his pensionable service exceeds twenty years, subject to a maximum of forty-sixtieths.

3. Where a member retires with an ill-health pension and the pension is subsequently cancelled, but he does not before the cancellation thereof resume service as a member, then, if the aggregate amount paid to him in respect of the pension is less than the amount of his aggregate pension contributions in respect of the relevant period of service, the Authority shall pay to him the difference.

PART III

Applied with modification as follows:—

PART III. (PARAGRAPHS 3, 4 AND 5 (SCHEDULE))

REDUCTIONS IN ORDINARY, SHORT SERVICE OR, ILL-HEALTH PENSIONS

1. Where a person in receipt of an ordinary pension, a short service pension or an ill-health pension attains, if he is a man, the age of sixty-five, and if she is a woman, the age of sixty, the pension in respect of each year thereafter shall, unless he is a person to whom one of the succeeding paragraphs of this Appendix applies, be reduced by an amount equal to the amount obtained by multiplying £1 14s. 0d. by the number of years specified in paragraph 4.

2. Where a person who, immediately before he retired and was granted a pension, was paying contributions at the rate specified in sub-paragraph (3) of paragraph 36 of the Schedule, there shall not be any reduction of the pension under this Part of this Appendix.

3. Where a person who, immediately before he retired and was granted a pension, was paying contributions at the rate specified in sub-paragraph (1) of paragraph 36 of the Schedule by reason of an election under sub-paragraph (3) of the said paragraph attains the age of sixty-five, the pension in respect of each year thereafter shall be reduced by an amount equal to the amount obtained by multiplying the sum of the second column of the subjoined Table set opposite to the age in the first column of the said Table which he had attained at the 5th July, 1948, by the number of years specified in paragraph 4:

TABLE

Age on 5th July, 1948	Sums to be multiplied
Less than 23	£ s. d.
23	1 14 0
24	1 13 0
25	1 12 0
26	1 11 0
27	1 10 6
28	1 10 0
29	1 9 6
30	1 9 0
31	1 8 6
32	1 8 0
33	1 7 6
34	1 7 0
35	1 6 6
36	1 6 0
37	1 5 6
38	1 5 0
39	1 5 0
40	1 4 6
41	1 4 6
42	1 4 0
43	1 4 0
44 or more	1 3 6

4. The number of years referred to in paragraph 1 and in paragraph 3 by which the sums therein respectively specified are to be multiplied for the purposes of those paragraphs is the highest whole number of years in the aggregate period since 5th July, 1948, which the person concerned was, when he last retired, entitled to reckon as pensionable service:

Provided that, in arriving at the said aggregate, any period or periods which fell after the date on which the person concerned would have been entitled, if he had retired, to a pension based on thirty years' pensionable service shall be disregarded.

PART IV

Applied with modification as follows:—

PART IV. (PARAGRAPH 6 (SCHEDULE))

STANDARD AMOUNT FOR PARAGRAPH 6 OF THE SCHEDULE

1. The standard amount referred to in paragraph 6 of the Schedule shall be determined by reference to the number of the member's completed years of pensionable service and by reference to his average pensionable pay.

2. Where the member is totally disabled the standard amount shall be the amount specified in the second column of the Table appended to this paragraph, and where the member is partly disabled the standard amount shall be such proportion of the amount so specified as the degree of the actual disablement bears to total disablement, subject to its not being less than the proportion of the average pensionable pay specified in the third column of the said Table:

TABLE

Member's completed years of pensionable service	Standard amount on total disablement expressed in 60ths of average pensionable pay	Lower limit of standard amount expressed in 60ths of average pensionable pay
Less than 11	£ 40	£ 15
11 but less than 12	41	16
12 but less than 13	41	17
13 but less than 14	42	18
14 but less than 15	42	19
15 but less than 16	43	20
16 but less than 17	43	21
17 but less than 18	44	22
18 but less than 19	44	23
19 but less than 20	45	24
20 but less than 21	45	25
21 but less than 22	46	27
22 but less than 23	46	29
23 but less than 24	47	31
24 but less than 25	47	33
25 but less than 26	48	35
26 but less than 27	48	36
27 but less than 28	49	37
28 but less than 29	49	38
29 but less than 30	50	39
30 or more	50	40

APPENDIX II

PART I

Not applied.

PART IA

Applied with modification as follows:—

PART IA. (PARAGRAPH 11 (SCHEDULE))

WIDOW'S ORDINARY PENSION

The amount of a widow's ordinary pension in respect of each week shall be the amount calculated according to whichever of the two Schemes set out below applies from time to time to her case and, if both Schemes apply simultaneously, according to that one which would give her the higher amount in respect of that week.

The Schemes hereinbefore referred to are as follows:—

Scheme I

If her husband at the time when he ceased to be a member—

- (a) held a rank higher than that of Senior Company Officer, the widow's ordinary pension shall be twenty-six shillings and tenpence;
- (b) held the rank of Company Officer or Senior Company Officer, the widow's ordinary pension shall be twenty-three shillings;
- (c) held a rank lower than that of Company Officer, the widow's ordinary pension shall be nineteen shillings and twopence.

Scheme II

1. The widow's ordinary pension shall be the amount set out in paragraph 2, and if the widow is receiving either widow's benefit under the National Insurance Act (Northern Ireland), 1946, or a retirement pension under the said Act by virtue of the insurance of her husband, that amount shall be reduced by the amount of such benefit or pension.

2. The amount first referred to in paragraph 1 is an amount equal to the percentage of her husband's average pensionable pay for a week set out in the second column of the subjoined Table opposite to the number of his completed years of pensionable service set out in the first column of the said Table:

TABLE

Number of completed years of pensionable service	Percentage of average pensionable pay for a week
10, 11, 12, 13 and 14	4 per cent.
15, 16, 17, 18 and 19	6 per cent.
20, 21, 22, 23 and 24	8 per cent.
25, 26, 27, 28 and 29	10 per cent.
30 or more	12½ per cent.

3. If she is entitled under the National Insurance Act (Northern Ireland), 1946, to a widow's allowance or a retirement pension which is increased under section twenty-two of the said Act, then for the purposes of this Scheme that allowance or pension shall be deemed not to have been so increased.

4. If she is entitled to a widowed mother's allowance under the said Act, that allowance shall, for the purposes of this Scheme, be deemed to be less than it is by the amount of eight shillings, together with two shillings and sixpence for each child included in her family within the meaning of the Family Allowances Act (Northern Ireland), 1945:

Provided that, in relation to any period for which the widow's pension is payable after 24th April, 1955, the reference in this paragraph to two shillings and sixpence shall be construed as a reference to three shillings and sixpence.

FIRE SERVICES

PART II

Not applied.

PART III

Applied with modification as follows:—

PART III. (PARAGRAPH 13 (SCHEDULE))

WIDOW'S SPECIAL PENSION

1. The amount of a widow's special pension in respect of each week shall not be less than the amount of one-sixth of her husband's average pensionable pay for a week and, subject as aforesaid, shall be such that, when it is added to—

- (a) any pension payable to her under section nineteen of the National Insurance (Industrial Injuries) Act (Northern Ireland), 1946, in consequence of the death of her husband, and
- (b) any widow's benefit or retirement pension payable to her under the National Insurance Act (Northern Ireland), 1946, by virtue of her husband's insurance,

the aggregate is equal to the amount of one-third of her husband's average pensionable pay for a week.

2. If she is entitled under the National Insurance Act (Northern Ireland), 1946, to a widow's allowance or a retirement pension which is increased under section twenty-two of the said Act, then, for the purposes of this Part of this Appendix, that allowance or pension shall be deemed not to have been so increased.

3. If she is entitled to a widowed mother's allowance under the said Act, that allowance shall, for the purposes of this Part of this Appendix, be deemed to be less than it is by the amount of eight shillings, together with two shillings and sixpence for each child included in her family within the meaning of the Family Allowances Act (Northern Ireland), 1945:

Provided that, in relation to any period for which the widow's pension is payable after 24th April, 1955, the reference in this paragraph to two shillings and sixpence shall be construed as a reference to three shillings and sixpence.

PART IV

Applied with modification as follows:—

PART IV. (PARAGRAPH 14 (SCHEDULE))

WIDOW'S GRATUITY IN LIEU OF PENSION

The gratuity referred to in paragraph 14 of the Schedule shall be such sum as may be agreed between the Authority and the widow, not exceeding the capitalised value of the pension to which the gratuity is an alternative, determined in accordance with tables prepared from time to time for that purpose by the Authority.

PART V

Applied with modification as follows:—

PART V. (PARAGRAPH 15 (SCHEDULE))

WIDOW'S ORDINARY GRATUITY

The gratuity referred to in paragraph 15 of the Schedule shall be equal to whichever is the greater of the two following amounts—

- (a) the aggregate of the husband's pension contributions in respect of the relevant period of service; or
- (b) one-twelfth of the husband's average pensionable pay multiplied by the number of his completed years of pensionable service, together with such further years not exceeding five in number as the Authority may, in their discretion, think fit to add.

APPENDIX III

PART I

Not applied.

PART IA

Applied with modification as follows:—

PART IA. (PARAGRAPH 21 (SCHEDULE))

CHILD'S ORDINARY ALLOWANCE

1. Subject as hereafter in this Appendix provided, the amount of a child's ordinary allowance in respect of each week shall, if the parent in respect of whose death the allowance is payable held at the time when he ceased to be a member—

- (a) a rank higher than that of Senior Company Officer, be twelve shillings and eightpence;
- (b) the rank of Company Officer or Senior Company Officer, be eleven shillings;
- (c) a rank lower than that of Company Officer, be ten shillings.

2. Where both parents of the child are dead at the time when the allowance becomes payable, the amount of the child's ordinary allowance in respect of each week shall, if the parent in respect of whose death the allowance is payable held at the time when he ceased to be a member—

- (a) a rank higher than that of Senior Company Officer, be sixteen shillings and eightpence;
- (b) the rank of Company Officer or Senior Company Officer, be fourteen shillings and threepence;
- (c) a rank lower than that of Company Officer, be twelve shillings and eightpence.

3. Where a child's surviving parent dies while the child is entitled to a child's ordinary allowance, the amount of the allowance in respect of each week shall, as from the date of the death, be determined in accordance with paragraph 2.

PART II

Applied with modification as follows:—

PART II. (PARAGRAPH 22 (SCHEDULE))

CHILD'S SPECIAL ALLOWANCE

1. Subject as hereinafter provided, the amount of a child's special allowance in respect of each week shall be an amount equal to one-fifteenth of the average pensionable pay for a week of the parent in respect of whose death the allowance is payable.

2. If neither parent of the child is alive at the time when the allowance first becomes payable, the amount of the child's special allowance in respect of each week shall be an amount equal to one-tenth of the average pensionable pay for a week of the parent in respect of whose death the allowance is payable.

3. Where a child's surviving parent dies while the child is entitled to a child's special allowance, the amount of the allowance in respect of each week shall, as from the date of the death, be determined in accordance with paragraph 2.

PART III

Not applied.

PART IIIA

Applied with modification as follows:—

PART IIIA. (PARAGRAPH 23 (SCHEDULE))

DISCRETIONARY INCREASE IN CHILD'S ALLOWANCE

Where both parents of the child are dead—

- (a) the amount of a child's ordinary allowance in respect of each week may be increased, if the parent in respect of whose death the allowance is payable held at the time when he ceased to be a member—

- (i) a rank higher than that of Senior Company Officer, to an amount not exceeding twenty shillings and ninepence;
 - (ii) the rank of Company Officer or Senior Company Officer, to an amount not exceeding seventeen shillings and ninepence;
 - (iii) a rank lower than that of Company Officer, to an amount not exceeding fifteen shillings and fivepence;
- (b) the amount of a child's special allowance in respect of each week may be increased to an amount equal to two-fifteenths of the average pensionable pay for a week of the parent in respect of whose death the allowance is payable.

PART IV

Applied with modification as follows:—

PART IV. (PARAGRAPH 23 (SCHEDULE))

REDUCTION IN CHILD'S ALLOWANCE

1. In the circumstances hereinafter set out the amount of an allowance in respect of each week ascertained under Part IA or, as the case may be, Part II of this Appendix, or, if the Authority decide, in their discretion, to increase such an allowance in accordance with paragraph 23 of the Schedule, the maximum amount in respect of each week to which that allowance may be increased under the said paragraph shall be reduced by the appropriate amount hereinafter set out, and if the appropriate amount is greater than the amount of the allowance or the said maximum amount in respect of each week, the amount of the allowance shall be reduced to nothing.

2. Where a child who is entitled to an allowance is the only child in that family so entitled or that one of the children in that family so entitled who is older than the others and the child's mother is in receipt under the National Insurance Act (Northern Ireland), 1946, of a widow's allowance or a retirement pension which is increased under section twenty-two of the said Act or of a widowed mother's allowance under the said Act, then that child's allowance shall be reduced by seven shillings and sixpence.

3. Where an allowance is payable in respect of a child under section twenty-one of the National Insurance (Industrial Injuries) Act (Northern Ireland), 1946, at the higher weekly rate prescribed by that section and a child's special allowance is also payable to that child, the said child's special allowance shall be reduced by seven shillings and sixpence.

4. Where an allowance is payable in respect of a child under the Family Allowances Act (Northern Ireland), 1945, that child's allowance shall be reduced by five shillings.

5. Where a guardian's allowance is payable in respect of a child under the National Insurance Act (Northern Ireland), 1946, that child's allowance shall be reduced by twelve shillings.

PART V

Applied with modification as follows:—

PART V. (PARAGRAPH 24 (SCHEDULE))

CHILD'S GRATUITY

The gratuity referred to in paragraph 24 of the Schedule shall be such sum as may be agreed between the Authority and the father, mother or guardian, as the case may be, not exceeding the capitalised value of the allowance to which the gratuity is an alternative determined in accordance with tables prepared from time to time by the Authority.

PART VI

Not applied.

APPENDIX IV

(PARAGRAPHS 33, 34 AND 36 (SCHEDULE))

CONDITIONS UNDER WHICH PAYMENTS IN RESPECT OF PREVIOUS SERVICE, ETC., ARE TO BE MADE

1. Where a member—

- (a) undertakes to make payment to the Authority in accordance with this Appendix for the purpose of an addition to his pensionable service;
- (b) has to pay arrears of pension contributions for a period commencing before the date of this Order,
- he shall pay by regular instalments of such an amount that the total payment due will be completed within a period equal to the period or periods of additional pensionable service which he is entitled to reckon, together with the period, if any, for which arrears of pension contributions are due, and before he reaches the age prescribed for retirement by his conditions of service:

Provided that—

- (i) he may at any time pay in one sum the amount then outstanding;
- (ii) if, while an amount is outstanding, he dies, or is dismissed, or retires in such circumstances that he is not entitled to any award other than an award of an amount equal to the aggregate of his pension contributions in respect of the relevant period of service, all further liability under the undertaking or for arrears of pension contributions shall cease, save (if he retires) in respect of any service in the force which he may wish to reckon as pensionable service under the pensions scheme made by the Council of the County Borough of Belfast under the provisions of section thirteen of the Fire Services (Amendment) Act (Northern Ireland), 1950;
- (iii) if he retires while an amount is outstanding and proviso (ii) does not apply to him, the Authority shall be empowered, in their discretion, to deduct the outstanding amount from payments of any award made to him.

2. Payment of an instalment due under paragraph 1 of this Appendix may, without prejudice to any other method, be effected by deduction from an instalment of pay.

APPENDIX V

(PARAGRAPH 33 (SCHEDULE))

PAYMENTS TO ENABLE SERVICE IN THE AUXILIARY FIRE SERVICE OF NORTHERN IRELAND OR IN THE NATIONAL FIRE SERVICE (NORTHERN IRELAND) TO BE RECKONED AS PENSIONABLE SERVICE

The amount to be paid by a member under an undertaking given under part (i) of sub-paragraph (5) or under sub-paragraph (6) of paragraph 33 shall be two-and-a-half per cent. of the total pay which the member would have received in respect of his continuous whole-time service in the Auxiliary Fire Service of Northern Ireland and in the National Fire Service (Northern Ireland) until 31st December, 1947, if his rate of pay throughout such whole-time service had been the notional rate of pay appropriate to him in accordance with the following Table:

TABLE

Rank of member in the National Fire Service (Northern Ireland) on 31st December, 1947	Notional rate of pay for the purposes of this Appendix
1. Fireman	1. £4 16s. 0d. a week
2. Leading Fireman	2. £5 11s. 0d. a week
3. Section Leader	3. £6 11s. 0d. a week
4. Company Officer	4. £450 a year
5. Senior Company Officer	5. £500 a year
6. Column Officer	6. £600 a year
7. Divisional Officer	7. £700 a year
8. Fire Service Commander	8. £950 a year

APPENDIX VI

(PARAGRAPH 53 (SCHEDULE))

DETERMINATION OF TRANSFER VALUE

1. (1) A transfer value to be paid to the Council of the County Borough of Belfast under the provisions of paragraph 53 of the Schedule shall be determined in accordance with the provisions of this paragraph.

(2) The amounts shown in the second and third columns of the subjoined table in relation to an age which corresponds with that of the member when he retired from the force are to be multiplied respectively by the number of completed years and the number of completed months aggregating less than one year in the period specified in sub-paragraph (3):

(3) The period referred to in sub-paragraph (2) is the period which the member was entitled, when he retired from the force, to reckon as pensionable service, subject to—

(a) the deduction of any period by which the said period exceeded thirty years;

(b) the deduction of any period of service in the fire brigade of the Council of the County Borough of Belfast in respect of which the Authority has not received a transfer value from the said Council under the provisions of sub-paragraph (4) of paragraph 33 of the Schedule; and

(c) the counting twice of any period by which the said period exceeded twenty years but did not exceed thirty years.

(4) The sum of the two products referred to in sub-paragraph (2) is to be multiplied by the ratio which the annual rate of the member's pensionable pay immediately before he retired from the force bears to £100.

(5) The transfer value shall be the product obtained in accordance with sub-paragraph (4), less an amount equal to any amount awarded on the member's retirement from the force.

TABLE

Age	Years			Months		
	£	s.	d.	£	s.	d.
Under 35 ...	18	4	0	1	10	0
35 and under 36 ...	18	6	0	1	11	0
36 and under 37 ...	18	9	0	1	11	0
37 and under 38 ...	18	13	0	1	11	0
38 and under 39 ...	18	18	0	1	12	0
39 and under 40 ...	19	4	0	1	12	0
40 and under 41 ...	19	9	0	1	12	0
41 and under 42 ...	19	15	0	1	13	0
42 and under 43 ...	20	1	0	1	13	0
43 and under 44 ...	20	8	0	1	14	0
44 and under 45 ...	20	15	0	1	15	0
45 and under 46 ...	21	2	0	1	15	0
46 and under 47 ...	21	9	0	1	16	0
47 and under 48 ...	21	16	0	1	16	0
48 and under 49 ...	22	3	0	1	17	0
49 and under 50 ...	22	10	0	1	18	0
50 and under 51 ...	22	17	0	1	18	0
51 and under 52 ...	23	4	0	1	19	0
52 and under 53 ...	23	12	0	1	19	0
53 and under 54 ...	24	1	0	2	0	0
54 and under 55 ...	24	12	0	2	1	0
55 and over ...	25	4	0	2	2	0

2. (1) If the provisions of Part III of Appendix I for reductions in ordinary, short service or ill-health pensions applied to the member, the transfer value determined in accordance with paragraph 1 shall be reduced by an amount determined in accordance with the provisions of this paragraph.

(2) There shall be ascertained the amount by which, if the member had, on retiring from the force, been entitled to a pension reducible under the provisions of the said Part III, that pension would be reduced on his attaining the age of sixty-five.

(3) The amount referred to in sub-paragraph (1) shall be the product obtained by multiplying the amount shown in the second column of the subjoined table in relation to an age which corresponds with that of the member when he retired from the force by the ratio which the amount ascertained in accordance with sub-paragraph (2) bears to £1.

TABLE

Age	Amount		
	£	s.	d.
Under 25	1	14	0
25 and under 26	1	16	0
26 and under 27	1	18	0
27 and under 28	2	0	0
28 and under 29	2	2	0
29 and under 30	2	4	0
30 and under 31	2	7	0
31 and under 32	2	9	0
32 and under 33	2	11	0
33 and under 34	2	13	0
34 and under 35	2	15	0
35 and under 36	2	18	0
36 and under 37	3	0	0
37 and under 38	3	2	0
38 and under 39	3	5	0
39 and under 40	3	7	0
40 and under 41	3	10	0
41 and under 42	3	13	0
42 and under 43	3	15	0
43 and under 44	3	18	0
44 and under 45	4	1	0
45 and under 46	4	4	0
46 and under 47	4	7	0
47 and under 48	4	10	0
48 and under 49	4	14	0
49 and under 50	4	18	0
50 and under 51	5	1	0
51 and under 52	5	5	0
52 and under 53	5	9	0
53 and under 54	5	13	0
54 and under 55	5	17	0
55 and under 56	6	2	0
56 and under 57	6	8	0
57 and under 58	6	14	0
58 and over	7	0	0

PART-TIME FIRE OFFICERS AND FIREMEN: PENSIONS

ORDER, DATED 3RD DECEMBER, 1955, MADE BY THE MINISTRY OF HOME AFFAIRS UNDER SUB-SECTIONS (1) AND (3) OF SECTION TEN OF THE FIRE SERVICES (AMENDMENT) ACT (NORTHERN IRELAND), 1950.

1955. No. 182.

[C]

The Ministry of Home Affairs, by virtue and in exercise of the powers conferred upon it by sub-sections (1) and (3) of section